

**DOMESTIC  
VIOLENCE  
COURT  
TOOLKIT**

CENTER  
FOR  
COURT  
INNOVATION

**NATIONAL  
TECHNICAL  
ASSISTANCE  
PROGRAM**

CENTER FOR COURT INNOVATION

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The Center for Court Innovation is a unique public/private partnership that promotes new thinking about how courts and criminal justice agencies can aid victims, change the behavior of offenders, and strengthen communities.

In New York, the Center functions as the state court system’s independent research and development arm, creating demonstration projects that test new approaches to problems that have resisted conventional solutions. The Center’s problem-solving courts include domestic violence courts, community courts, as well as drug courts, youth courts, and mental health courts.

The Center disseminates the lessons learned from its experiments in New York across the globe, helping practitioners launch their own problem-solving innovations. The Center’s hands-on consulting services include needs assessments, training, and original research.

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## INTRODUCTION

## I WHAT IS THE DOMESTIC VIOLENCE COURT TECHNICAL ASSISTANCE PROJECT?

### Our Experience

- ❑ Center for Court Innovation staff have designed, planned, implemented, and consulted with a wide range of domestic violence courts, including felony courts, misdemeanor courts, suburban and rural courts, and high-volume courts that handle thousands of cases a year.
- ❑ The Center continues to enhance the domestic violence court model by creating one-family/one-judge multi-jurisdictional Integrated Domestic Violence Courts in New York State. These courts, which integrate civil and criminal cases in a single courtroom, are among the most comprehensive statewide judicial responses to domestic violence in the country.
- ❑ The Center has designed and implemented specialized case management systems for domestic violence courts. Information technology is essential to ensure that judges and domestic violence court staff are fully informed about each case.
- ❑ The Center uses regular evaluations to improve its programs. The Center's research is published nationally.
- ❑ The Center employs a multi-disciplinary approach to plan, implement, and evaluate domestic violence courts.
- ❑ The Center's staff includes attorneys and social workers who have experience providing direct services to battered women.

### What We Can Do

The Center for Court Innovation provides free technical assistance, including:

- ❑ Intensive, on-site work with individual domestic violence courts in all stages of planning and implementation.
- ❑ Practitioner-to-practitioner guidance, in which Center staff, drawing on their extensive hands-on experience creating and running domestic violence courts, help other jurisdictions to learn from each other.
- ❑ An emphasis on strong judicial compliance reviews, promoting victim safety, and developing effective partnerships with other agencies.
- ❑ Assistance in building successful, multi-disciplinary, and inclusive planning teams.
- ❑ On-site workshops on issues related to technology and evaluation.
- ❑ Assistance in developing best practice protocols and procedures related to specialized domestic violence courts, including the provision of model sample documents.

## The goal of the Domestic Violence Court Technical Assistance Project, an initiative of the Center for Court Innovation, is to help court systems enhance their handling of domestic violence cases.

The Project is designed to guide communities through the planning and implementation of a new domestic violence court or the enhancement of an existing domestic violence court and to equip planners with skills and knowledge to ensure the ongoing effectiveness of the court. The Center is dedicated to offering assistance that is responsive to the needs, resources, and challenges of our clients.

With support from the Office on Violence Against Women and assistance from our project partners the National Council of Juvenile and Family Court Judges and the Battered Women's Justice Project, the Center is able to provide a variety of services, including on-site support, site visits to operational domestic violence courts, peer-to-peer contact, and planning materials, such as this Planning Toolkit.

### What is a Domestic Violence Court and Why Do We Need Them?

A domestic violence court is a specialized court that provides comprehensive judicial monitoring of domestic violence offenders and frontloads services to victims. These courts, which handle criminal, civil, or both types of cases, are characterized by linkage to, and coordination with, key stakeholders, such as criminal justice partners, victim advocacy groups, and other community-based service organizations. Domestic violence courts are helpful in many communities where there is a lack of involvement by the

court in the coordinated community response for victims or where offenders have not historically been held accountable for their behavior. Domestic violence court programs use a variety of techniques to monitor offenders, impose accountability, and ensure consistency in judicial decision-making. In addition, domestic violence courts collaborate with community agencies in order to streamline and enhance the coordination of resources for victims and their children.

#### ARE ALL DOMESTIC VIOLENCE COURTS THE SAME?

The design and structure of domestic violence court programs are developed at the local level to reflect the unique strengths, circumstances, and capacities of each community. These models are implemented to address criminal domestic violence court cases, civil domestic violence court cases or a combination of both. (A chart detailing several domestic violence court models is included in **Appendix B**.) A diverse group of community stakeholders are involved in planning and implementing a domestic violence court, including: criminal justice agencies, domestic violence agencies representing a wide range of victims' needs, social service agencies, elder service agencies, disability groups, law enforcement, civil legal service providers, the defense bar, and mandated programs for offenders (i.e. batterer intervention programs, substance abuse treatment providers, and mental health services).

### What is this Toolkit?

This Planning Toolkit was designed as a guide to help courts and communities assess their current approaches to domestic violence and develop or enhance their own domestic violence courts. This Toolkit is not a training device, but a framework to guide assessment, planning, and implementation activities. The Center for Court Innovation has developed the Toolkit to be used by an audience with varying levels of domestic violence and court expertise. The materials in this Toolkit are based upon best practices identified through the Center's work with domestic violence courts, and the input of the Project's Consultancy Team, a panel of highly regarded national experts in the field.

We have included a glossary of frequently used terms in **Appendix A** for your reference.

# So You Think You Want to Open a Domestic Violence Court

Your community may be contemplating the creation of a domestic violence court or you may want to enhance certain elements of an existing domestic violence calendar. Before beginning a planning process, consider the feasibility of a new or expanded domestic violence court in your community and determine the goals you have for implementation. Are you interested in:

- ☐ Improving case management and the ability for the court and its partners to share appropriate information?
- ☐ Promoting an informed and consistent court response?
- ☐ Providing victims and their children with immediate services and information?
- ☐ Promoting increased accountability and the idea that “the court is watching”?
- ☐ Enhancing your coordinated community response to domestic violence?

If you answer yes to any of these questions, your community may be ready to embark upon the planning and implementation of a domestic violence court that includes dedicating and training a judge or judges to hear domestic violence cases, creating court partnerships with independent and/or system victim advocates, implementing a program of ongoing judicial compliance monitoring, and strengthening relationships with criminal justice and civil court stakeholders, community-based social service providers, and domestic violence advocacy groups.

# What Does Domestic Violence Court Planning Look Like?

Engaging in meaningful planning and coordination among community stakeholders is vital to the implementation of an effective domestic violence court.

The Center for Court Innovation recognizes that not all communities can engage in a long-term court planning process. Often domestic violence courts are created in response to an immediate crisis that necessitates a short implementation time frame. While it is recommended that teams dedicate six to nine months to planning, the Center has developed two timelines to accommodate both communities facing significant time restraints and those with long-range planning abilities. For a community looking to enhance its current domestic violence court, elements of both timelines may prove useful.

## A. THREE-TO-SIX MONTH TIMEFRAME

The Center advises your community to:

- ☐ Select a dedicated judge or judges to hear cases in the domestic violence court and lead the planning process;
- ☐ Identify court staff and community partners to participate in the court planning process as your core planning team;
- ☐ Assess your community’s current approach to domestic violence cases;
- ☐ Conduct a caseload analysis;
- ☐ Determine your goals and what your court should look like, including what type of cases it will hear, when it will meet, and what victim services will be made available on-site;
- ☐ Create a plan to implement your objectives;
- ☐ Develop internal court and stakeholder procedures, as well as protocols between the court and stakeholder agencies;
- ☐ Work with court administrators to discuss compliance review, case tracking, and order of protection systems;
- ☐ Memorialize your court’s objectives, policies, and procedures in a written document;
- ☐ Set a date for the opening of the court.

## B. SIX-TO-NINE MONTH TIMEFRAME

The Center advises your community to:

- ☐ Complete all of the activities listed in the three- to six-month planning timeline;
- ☐ Identify an advisory board to oversee and assist the planning process;
- ☐ Identify your community’s strengths and weaknesses in responding to domestic violence, potential obstacles, and how these obstacles are best overcome;
- ☐ Determine a mission statement that all community and court partners agree with and spell out your objectives toward this mission, delineate what steps you will take, and in what order to accomplish this mission;
- ☐ Attend training sessions on domestic violence and domestic violence courts including issues such as elder abuse, disability, and cultural competency;
- ☐ Investigate, and apply for, grant funds to support your domestic violence court and domestic violence services for victims;
- ☐ Plan a site visit to an existing domestic violence court with attributes similar to the one you are planning;
- ☐ Develop performance measures and evaluation plans.

A more detailed description of these planning activities is available in **Section VI** of this Toolkit.

# II HOW DO YOU PLAN FOR A DOMESTIC VIOLENCE COURT?

This portion of the toolkit will guide your team through each step of the planning and implementation process, including how to:

- ☐ Identify key planning team members and steering team participants.
- ☐ Collect information about your jurisdiction’s current approach to, and handling of, domestic violence cases.
- ☐ Develop and prioritize goals for the domestic violence court.
- ☐ Create a written document outlining plans for implementing the court, including the court’s objectives, policies, and procedures.

## STEP Creating a Court Planning Team

1

Collaboration among a diverse group of judicial and non-judicial court personnel, as well as representatives from court stakeholder agencies, is vital to a successful domestic violence court planning process.

### WHO IS A COURT STAKEHOLDER OR PARTNER?

Court stakeholders or partners are those non-court agencies with a mission that necessitates frequent interactions with the court system.

Stakeholders can include: local independent victim advocacy organizations; prosecutor’s offices; defense bar; police; corrections; probation; batterer programs; service providers, including those treating substance abuse and mental illness; family services providers, including supervised visitation providers, adult protective services, disability agencies, culturally specific social agencies, counseling, and other services for children; and parenting-skills providers. The goal is to have broad representation from relevant services relating to the caseload the court will handle. Court personnel will benefit from working with community-based organizations to ensure all key groups are represented.

Involving these partners at the outset is vital to gain early political support for the court and to build credibility. Assembling a formal planning team also facilitates cooperation and effective implementation strategies among the court and its partners.

### PLANNING TEAM

Both three-to-six month planners AND six-to-nine month planners can consider setting up this team.

The Center advises that the planning team, typically comprised of judges, court staff, and stakeholder representatives be given responsibilities for developing policies and procedures for the domestic violence court. The team should meet frequently during the planning process (approximately twice a month) and then less frequently after implementation (approximately once per month when the court first opens and then quarterly). The team typically includes:

- The designated domestic violence court judge;
- Designated back-up judge;
- Chief clerk or administrator of the court(s) (or other designee);
- Law clerk to domestic violence court judge;
- Technology advisor or administrator;
- Chief of security;
- Project coordinator;
- Supervising judge or staff representative; and
- Designated domestic violence court clerk.

Typical stakeholder participants include:

- Domestic violence agency representative(s) — both independent and institutional providers including those for underserved populations;
- Defense bar representative(s);
- Prosecutor representative;
- Civil legal service providers, especially those specifically dedicated to representing domestic violence victims;
- Probation officer;
- Batterer program representatives; and
- Law enforcement.

In addition, the Center for Court Innovation suggests that other community stakeholders — such as substance abuse and mental health providers, CASA program staff, and child welfare agencies — be invited to participate in planning activities relevant to their areas of expertise.

Refer to **Worksheet A** for assistance in identifying and cultivating stakeholder representatives for your advisory board and planning team.

**PLANNING TEAM: SUGGESTED INITIAL ACTIVITIES**

**First Meeting: Which Agencies Are At the Table?**

The person/agency leading the domestic violence court planning process should initiate the first meeting and lead the discussion. It will be useful for team members to begin their planning participation with an exercise that helps each member articulate his or her current role to the group and how each can be of service when the domestic violence court is established.

**Worksheet B** will assist team members in defining these roles.

Examples from the Field:

Victim Safety

In a rural Southern state, victims of domestic violence have the ability to file for orders of protection in multiple courts. This process can be dangerous for victims because it allows the court to inadvertently issue multiple orders in one case. Judges and court personnel may not be aware of what the other courts are ordering and, therefore, can create conflicting orders for one family. After working with the Center, the local court was able to create a multi-jurisdictional specialized model. Victims now have consistent orders that will assist in keeping them safe and are able to access frontloaded victim services.

**ADVISORY BOARD**

(Typically created in addition to the Planning Team for six-nine month planning process participants.)

The formation of a community advisory board of executive-level personnel and policy makers can be advantageous to court planning and implementation activities. These decision-makers can help build vital political support for the court, facilitate inter-agency cooperation, resolve potential conflicts, and provide managerial level insight to the planning process. Advisory boards are not involved in the “day to day” running of the court and generally meet every two months during planning and then semi-annually after implementation. In addition to the designated domestic violence court Judge, the board can include executive-level personnel or policy makers from the following offices and court stakeholder agencies:

- State and local court administration offices;
- Domestic violence agencies (both independent and institutional providers);
- Defense bar;
- Prosecution;
- Civil legal service providers;
- Probation;
- Law enforcement; and
- Local government.

**Second Meeting: How Should the Planning Team Be Organized?**

**Subcommittees**

In larger jurisdictions, team participants typically break into subcommittees to discuss specific areas of planning relevant to their expertise. Larger communities often have multiple agencies providing similar services and, therefore, the planning team might be quite big. A subcommittee structure helps ensure all planning team members have input into the process.

Smaller planning teams that do not break into subcommittees can use these categories as a guide for discussion.

- **Operations:** This group addresses issues involving the operation of the court, including: eligibility criteria, case identification and screening, as well as court calendaring and judicial compliance reviews.
- **Services:** This group develops protocols between stakeholders and the court to ensure the provision of immediate services, facilitate communication with the court, and promote efficient processes for referrals and program reporting. This group also develops and/or coordinates domestic violence training programs for all court participants and stakeholders.
- **Technology:** This group identifies possible technology programs for case identification, record keeping, order of protection registry, and statistical purposes. This group also organizes training for court personnel responsible for using technology and ensures any data needed for evaluation is collected.
- **Security:** This group assesses the security needs of the court, including identifying a safe waiting area for victims and their families, ensuring that clear signs are posted and visible to the public, and training security personnel about domestic violence court policies and procedures.

**STEP 2 Understanding Current Practice: Collecting Baseline Data**

2

It is important to understand your current approach to domestic violence cases in order to identify strengths and gaps in your response, and to assess the court’s impact after implementation. Information describing the status quo, or how your system currently functions, is typically referred as baseline data.

While this process may sound daunting, much of the information has probably been compiled by local domestic violence agencies and task forces.

**1. WHO SHOULD BE INVOLVED IN BASELINE DATA COLLECTION AND ANALYSIS?**

We recommend the full team be involved in data collection and analysis and one team member be appointed to organize these activities.

**2. HOW TO COLLECT DATA ON CURRENT PRACTICE**

As a first step, your team can create a list of questions aimed at capturing current domestic violence case handling practices. **Worksheet C** will help guide you in the development of this list. Sample topic areas include:

- **The System:** How are cases processed through the court system(s)? **Worksheet D** will assist your team in developing a map of your jurisdiction’s case flow.
- **Policy:** What types of existing written procedures are in place in your jurisdiction to help ensure the safety of victims and the accountability of domestic violence offenders? **Worksheet E** will assist your team in generating a summary of your jurisdiction’s written policies.
- **Practice:** What types of informal practices, not codified in written policies are employed within and across agencies to help ensure the safety of victims and the accountability of domestic violence offenders? **Worksheet F** will help your team develop a summary of your jurisdiction’s informal policies.
- **Resources:** What existing supports are available to help ensure victim safety and offender accountability in your jurisdiction (including services for the underserved)? **Worksheet F** helps your team generate a list of current resources available to the court, including a description of these resources.

**STEP 3 Assess What You Know and Identify Gaps in Current Practice and Services**

3

After your team has assessed current policies, informal practices, case flow process, and resources, it will be ready to examine the information gathered and analyze the gaps in current practice.

**PERFORMING A SWOT (STRENGTHS, WEAKNESSES, OPPORTUNITIES, AND THREATS) ANALYSIS**

The SWOT analysis allows the team to examine your court’s current approach to domestic violence cases and identify and prioritize areas of policy and practice that could benefit from a specialized domestic violence/integrated domestic violence court. **Worksheet G** will guide you through a review of the information you have collected and a SWOT analysis.

**STEP 4 What Will Your Domestic Violence Court Look Like?**

4

After looking at current practices and gaps, decide what your jurisdiction’s domestic violence court will look like. Here are some important questions to reflect on when making this decision.

**WHAT ARE YOUR GOALS AND MAJOR OBJECTIVES FOR YOUR DOMESTIC VIOLENCE COURT?**

Identifying and prioritizing the goals envisioned for the court is first step in determining its attributes. These goals will define the overall mission and purpose of the court. Typically, increased victim safety and offender accountability are high priorities.

Consider what objectives are set for each goal you identify for the court. Objectives explain how each goal is achieved. They need to be specific, realistic, and lend themselves to quantitative performance measures.

Your team may refer to **Worksheet H** for assistance with this exercise. Center staff can help your team identify and prioritize court goals and assist in developing objectives toward these targets.

**WHAT TYPE OF DOMESTIC VIOLENCE COURT IS RIGHT FOR YOUR COMMUNITY?**

Identify what type of court model aligns best with the needs of your community. Do you want to:

- Focus on intimate partner violence criminal cases? Do you want to target any specific level of criminal case, i.e., ordinance, misdemeanor, or felony?



- Address intimate partner violence civil protection order cases?

- Address multi-jurisdictional intimate partner violence cases, i.e., families that have pending civil cases, including custody or divorce, and criminal cases simultaneously?

- Address all family violence cases including child abuse and elder abuse in addition to intimate partner cases?

- Address intimate partner violence among juveniles?

- Address language, cultural, and social services for underserved populations?

### Examples from the Field:

## Domestic Violence Court Case Identification and Calendaring

### EXAMPLE 1

In a mid-size western city, the prosecutor advises the judge in the criminal arraignment court that the current case is a domestic violence case. The prosecutor then requests the case be adjourned to the next available domestic violence court date the following week. The judge consults the written complaint and determines that the defendant and the complaining witness have a child in common and are living together. Based on this information and the prosecutor's request, the judge schedules the next appearance of the case in the specialized domestic violence court. The decision to have the case heard in a domestic violence court is not based on the desires of the defendant; it is based solely on the relationship of the parties and the charge.

When the arraignment court takes a short recess, the prosecutor advises the dedicated court clerk of the cases that were selected to have their next appearance in the specialized domestic violence court. The court clerk will locate the court's case files, stamp "Domestic Violence" on the file folders, apply a colored sticker to distinguish these files from non-domestic violence cases, and enter "Domestic Violence" in the appropriate field in the court database. All cases referred to the domestic violence court are placed on the specialized calendar by the arraignment court clerk for an initial appearance at the next domestic violence court date.

### EXAMPLE 2

In a large southern city, the Department of Corrections generates a domestic violence calendar that schedules recently incarcerated defendants charged with domestic violence for domestic violence court arraignment. This calendar, along with police arrest forms identifying these cases as domestic violence, is faxed every morning to the domestic violence court clerk. The calendar is taken to the court by the clerk for the domestic violence jail arraignment session and given to the state. Before domestic violence court arraignment, new files are created for each case and a copy of the calendar and charging document are prepared for the public defender. Bond is set for the defendant at arraignment. Cases are typically set for a hearing date within three weeks of arraignment. If there is a plea agreement, and probation and/or a program has been mandated, the defendant is calendared for the Judicial Review Calendar within 90 days after the plea or immediately upon violation of the plea.

You might consider more in-depth questions about the cases handled by the court. For example:

- ☐ How will you define intimate partner violence cases? How will your definition mesh with definitions used by local police and prosecutors?
- ☐ Will the court hear cases associated with the defendant/respondent/offenders not directly related to the violence? (For example, a defendant who also has a pending drug possession charge not related to the domestic violence.)
- ☐ Will the court include additional types of charges and/or cases in the future? If so, what will be your timetable for phasing in each case type?

Center for Court Innovation staff can help your team identify the key case-related issues and questions that need to be taken into account during your planning process.

## STEP 5 Caseload Analysis

To measure the potential workload of your new specialized court, the planning team needs to conduct a careful review and analysis of possible cases.

### CASE IDENTIFICATION

This is the process of flagging domestic violence cases that are currently being heard in criminal or civil courts so they can be transferred to a specialized domestic violence court. While some communities have designated domestic violence charges, others do not and will need to develop strategies for identifying cases.

### ANALYSIS OF OVERLAPPING CASES FOR ONE-FAMILY/ONE-JUDGE MULTI-JURISDICTIONAL COURT PLANNERS

This is the process of checking for overlap between a criminal domestic violence case and a related civil matter (i.e., civil order of protection, custody, visitation, divorce, etc.). Knowing the extent of overlap will assist in predicting the caseload for a one-family/one judge multi-jurisdictional domestic violence court. Some courts will choose to take only cases with overlap while others will choose to take all cases. However, both models should search for overlapping cases as a way to enhance victim safety and increase information sharing. Depending on your court's computer database technology, this can be a very arduous task that may require hand-counting. The Worksheet affiliated with this activity will assist you in your analysis.

See **Worksheet 1** to assist you in gathering the caseload information for your court project.

## STEP 6 Court Operational Concerns: How Will Eligible Cases Be Identified, Screened and Transferred?

Once you have determined which cases will be handled in the specialized court, you will need to establish how they are screened and identified as domestic violence court eligible. You will also need to determine who will carry out these screening and identification activities.

Screening is the first step to determine the cases appropriate for domestic violence court. Eligible civil court cases are identified by assigning court staff to examine filed petitions involving allegations of domestic violence and tag those that are domestic violence court appropriate. Eligible criminal court cases can be identified with assistance from local law enforcement agencies and prosecutors or by examining accusatory instruments and criminal/arrest records for domestic violence charges.

In addition to developing protocols for the identification of eligible cases, it is helpful to create procedures that ensure eligible cases are moved at the earliest possible stage from the originating courtroom to the domestic violence court.

We recommend the team consider maintaining a separate calendar dedicated solely to domestic violence cases, including monitoring compliance. (See judicial compliance review section below for more information.) Many domestic violence courts have found this practice facilitates improved information sharing and more efficient case management.

*There is no Worksheet for this section. Your local administrator will need to identify strategies to accomplish these goals.*

## STEP 7 Stakeholder Involvement: How Will the Court Incorporate Local Stakeholder Agencies?

### FRONTLOADED DOMESTIC VIOLENCE SERVICES

Early linkage to services for victims helps promote safety and improve service delivery for the victim and her children. During the resource analysis process, the planning team will have identified the existing victim services providers and the types of services offered. For example, your community might have system-based victim services, such as those provided by the prosecutor's office, as well as an independent community-based domestic violence service agency. In this case, your team may want to examine the difference in these services, determine how referrals are made to each agency, and whether they can have staff on-site at the courthouse.

Each presiding and back-up judge as well as specialized court staff may want to become familiar with each agency that provides services to the court and litigants including those agencies serving diverse and underserved communities. Where appropriate, the judge as well as court personnel can meet with the heads of each agency to determine referral and reporting protocols.

### LEGAL REPRESENTATION FOR LITIGANTS

It is important to identify potential sources of legal representation for the parties that come before your court, including public defender organizations, legal services and non-profit teams, lawyers for children, and the private bar. It is helpful to develop protocols to determine how attorneys will be linked to indigent litigants.

### OTHER COMMUNITY AGENCIES

Domestic violence courts may collaborate with service providers to ensure a coordinated community response and comprehensive services for all parties. Specific activities could include:

- Establishing liaisons with all stakeholders for victim service provision and offender accountability, including with agencies that serve older, disabled, and diverse communities;
- Establishing protocols for interactions between these agencies and the court;
- Institute cross-training programs;
- Providing a schedule for regular, on-going stakeholder meetings; and
- Planning the involvement of judges and court staff in outreach and training opportunities.

*There is no Worksheet for this section: the stakeholder participants on your planning team will be instrumental to these activities.*

### Examples from the Field:

## Coordinated Community Response

In a mid-size city in upstate New York, the community has created a coordinated response to domestic violence involving a broad spectrum of stakeholders to hold batterers accountable and increase victim safety. By creating an active Domestic Violence Task Force that includes representatives from the court system, criminal justice system, civil attorneys, the child welfare agency, social service providers as well as clergy and domestic violence service providers, the jurisdiction has managed to increase access to victim services, create consistent policies across agency lines with respect to victims, and ensure there is a focus on defendant accountability in the specialized domestic violence courts. The goal is to involve judges, prosecutors, defense attorneys, probation, victim services, batterer programs, clergy, and other leaders in the community working to send a message that domestic violence is unacceptable. In addition, this community has made a commitment to have independent, non-profit domestic violence advocates working in the court to provide on-site referrals and support to victims in the specialized court.

# STEP 8 Judicial Compliance Review: What Is It and How Can You Successfully Implement It?

Judicial compliance reviews, or judicial monitoring, ensure court supervision of offenders’ compliance with court-mandated conditions — such as restraining orders and batterer program attendance — and promise swift consequences for violations. Judicial supervision is typically accomplished in the domestic violence court context by bringing offenders back before the judge for frequent appearances on a compliance calendar. For example, a judge might bring a defendant back to court every other week in the beginning of his mandate. If the defendant complies with all court imposed conditions, including abiding by the order of protection and attending a batterer program regularly, the judge might increase the length between monitoring appearances. The goal is to send the message that all court orders, even those that don’t involve incarceration, have real teeth.

The Center for Court Innovation has judicial compliance review scripts and model graduated sanction schedules available for jurisdictions interested in implementing judicial compliance reviews. The success of monitoring and the effectiveness of the compliance calendar is dependent upon timely reporting and information sharing between court stakeholders and the court.

## Examples from the Field:

### The Use of Program Mandates

In a small southwestern city, a domestic violence court judge holds a compliance calendar once a week. Defendants who have pled guilty or are found guilty appear in the compliance calendar regularly as part of the judge’s order. Most often, defendants are sentenced to attend a batterer’s program as one of the conditions imposed by the judge. The court utilizes two local programs: one specifically for Spanish-speaking defendants and the other in English. Defendants attend these programs once per week for 26 weeks. They are expected to pay for each session and sliding scale payment subsidies are offered for indigent people. The court receives program reports before each compliance calendar day. The reports give the judge information about the defendant’s attendance record and if the defendant was participating during the session.

When the court is notified of a defendant’s failure to attend or pay for a session, the judge reprimands the defendant in court. If the program has decided to terminate the defendant, the judge holds a hearing and may impose a harsher penalty by remanding the defendant to jail overnight, or on weekends. In some cases, the judge will impose community service and increase compliance calendar appearances to hold the offender accountable for not obeying the court’s order.

In this domestic violence court, defendants often have substance abuse problems in addition to being perpetrators of domestic violence. The judge understands that drugs and/or alcohol do not cause domestic violence, but can be co-occurring. In order to handle both the domestic violence and the substance-abuse issues properly, the judge routinely orders defendants into two programs. (This community does not have a batterer’s program that also has a substance abuse treatment arm.) Typically, the defendant will first attend the local substance abuse treatment program and then attend the batterer program. When defendants are ordered into these two programs, the judge monitors both during the compliance calendar.

Judicial compliance reviews are central to promoting accountability. A study conducted by the Center examines how courts respond when domestic violence offenders do not noncomply with court orders to attend batterer programs. The study, based on a national survey of courts, batterer programs, and victim assistance agencies in all 50 states, detected overwhelming support for the goal of accountability in theory but a gap between theory and practice, as most jurisdictions indicated they do not always or often impose sanctions when offenders are non-compliant with the batterer program mandate. With this in mind, consider how compliance will be monitored by the court and court stakeholders. In particular, the planning team will want to:

- Establish guidelines for consistency in reports to the court regarding program compliance for all agencies who provide mandated programming;
- Ensure that programs have clear compliance rules;
- Designate court staff responsible for gathering reports and an easily accessible area to store these reports;
- Create standard forms for program agencies to use for reporting;
- Establish general frequency of compliance appearances, and determine if agencies providing mandated services can appear in court as well;
- Consider sanctions that may be appropriate for non-compliance; and
- Formalize the role of local stakeholders in monitoring compliance, possibly in addition to judicial monitoring (i.e., probation).

*Worksheet J provides guidance in developing a judicial compliance review plan.*

# STEP 9 Courthouse Safety and Confidentiality: How Will Safety Be Promoted and Confidentiality of Case Records Guaranteed?

Domestic violence courts should provide a safe and secure environment. The Center advises you to examine existing security and record-keeping protocols to ensure the following practices are in place:

- ☐ Sufficient security personnel well trained in the area of domestic violence who can identify and respond to potentially volatile situations;
- ☐ Consider how many security staff have been assigned to the domestic violence court, if these individuals will be dedicated or rotating staff, and how training will be provided to these staff;
- ☐ Clear and visible signs posted to direct litigants to needed services;
- ☐ Is there is a clearly marked information desk or central location for public inquiries?
- ☐ Is information regarding the domestic violence court, as well as on-site and off-site services readily available?
- ☐ A safe waiting area for victims of domestic violence and their children staffed with an advocate who can direct them to a panoply of services;
- ☐ Is there a safe space available for reception and a children’s play area?

- ☐ A separate space for defendants/respondents/offenders to avoid contact with victims;
- ☐ Are there separate waiting and attorney conferencing areas for defendants/respondents/offenders and complaining witnesses/victims?
- ☐ A filing system that ensures confidentiality and case integrity. Mechanisms need to be in place to guarantee all court players keep a victim’s address confidential. Additionally, court planners who establish a one-family/one judge multi-jurisdictional domestic violence court should ask how their policies will ensure each case type is governed by the appropriate confidentiality rules and procedures. While criminal cases are often a matter of public record, matrimonial cases often have additional statutory protections.

# STEP 10 Training

## JUDICIAL TRAINING

An informed judiciary is vital to the efficacy of all domestic violence court models. In addition to providing an education on the dynamics of domestic violence, trainings targeted specifically to judges provide tools for handling the nuts-and-bolts legal issues of these cases, and give a stronger sense of the roles judges play in and out of the courtroom to help victims achieve safety and hold offenders accountable.

*Please refer to the **Appendicies** for a list of recommended training resources.*

## ON-SITE LOCAL TRAININGS

Planning teams can take a leadership role to help engage and educate court staff, court stakeholders, and the community at large about domestic violence by organizing and providing on-site trainings at the courthouse.

A useful approach is to first consult with your local domestic violence service provider(s) to choose a topic related to domestic violence and to select local domestic violence advocates/experts to conduct the training. Possible topics include: General Introduction to the Dynamics of Domestic Violence; Cultural Competency and Domestic Violence; Elder Abuse; Domestic Violence and Disability Issues; Children and Domestic Violence; and Offender Accountability Guidelines and Victim Safety. Model training agendas are available from Center for Court Innovation staff.

## NON-JUDICIAL PERSONNEL, INCLUDING COURT STAFF AND SECURITY

Knowledge of the dynamics of domestic violence among court and court stakeholder staff is essential to a responsive court. Court staff may be the first people victims encounter and how those staff handle themselves color victims’ overall experience. The Center provides the court planning team with assistance to identify training opportunities for non-judicial personnel.

# STEP 11 Evaluation: How Will Success Be Measured?

Your planning team will want the ability to monitor and assess the performance of the domestic violence court once implemented. One way is to obtain a formal independent evaluation of your project’s implementation and impact (recidivism, victim services, offender compliance with court orders, or other outcomes). In addition, whether or not you decide to invest in a formal evaluation, it is useful to take some simple steps towards “self-evaluation” — determine your project’s most important goals and objectives, identify a simple, short list of key performance measures to monitor your progress, and institute a data collection protocol to ensure that you can track the measures identified.

*Please refer to the **Worksheet K** for guidance on evaluation activities.*

# STEP 12 Technology

Technology plays an important role enhancing court operations and can significantly increase a judge’s ability to make informed decisions, enhance the accountability of offenders, and promote collaboration with court partners. Discover all of the different technology applications currently being used by the court and determine whether or not these systems have specialized identifiers for domestic violence cases. These identifiers can assist in streamlining the transfer of cases into a specialized court and tracking outcomes.

Develop protocols to enter order of protection information into the National Crime Information Center and designate an individual or individuals to carry out this task. In addition, teams may want to investigate if their state has a statewide database/registry of all orders of protection and how local orders are added to the registry. This type of registry will prove very useful for your specialized domestic violence court when court personnel need to determine the history of violence in a particular case. It is important to consider how orders of protection are currently entered into this registry so any new orders issued by the specialized court can be entered into the statewide database in a timely and accurate fashion. If your jurisdiction does not have an active statewide order of protection database/registry, contact your state’s Office of Violence Against Women Point of Contact for further information.



STEP 13

The Planning Document:  
Developing a Blueprint  
for Implementation

WHAT IS A PLANNING DOCUMENT AND WHY IS IT NECESSARY?

Even with a short planning timeline, teams will find it helpful to create a planning document. The planning document is the written version of all policies and procedures discussed and developed during the planning process. Memorializing these protocols in writing clarifies the mission of the domestic violence court, formalizes the roles and responsibilities of court and stakeholder staff, and can help ensure accountability of the court and its partners. The planning document also serves as a reference for future personnel in the event of staff turnover.

As the planning process continues, additional challenges will arise. In addition to being a touchstone for action, the planning document will be a living document that can be updated to reflect needed changes and additions.

PLANNING DOCUMENT CHECKLIST:  
BASIC INFORMATION THAT SHOULD BE MEMORIALIZED

A checklist is provided below to assist you in the creation and organization of your planning document.

- ❑ State the mission and goals of the court.
- ❑ Include a list of planning team and advisory board members and additional stakeholders.
- ❑ Draft a proposed staffing plan for the court, delineating any additional court personnel needs and job descriptions of proposed additional staff. The plan should identify existing court and stakeholder agency staff who perform some additional functions.
- ❑ Include a separate plan that delineates all services required by litigants (including victim advocacy, children's counseling, legal representation, batterers' accountability program, substance abuse treatment, programs for the mentally ill, etc.); discusses the means to identify and vet service providers; describes where such services providers will be located, when they will be available, who will make referrals to them; and identifies who will track both compliance of parties with court mandates and service delivery by providers.
- ❑ Include a staffing plan for all on-site stakeholder agencies at the domestic violence court; determine the number of staff necessary from each stakeholder, and how that staff will be deployed to effectively serve the litigants.
- ❑ Name the presiding judge and a back-up judge for the domestic violence court.
- ❑ List the trainings on domestic violence dynamics and law, as well as substantive and procedural areas of criminal law, that the presiding judge,back-up judge, and relevant court staff will attend as preparation for opening the domestic violence court.
- ❑ Include the plan for judicial monitoring of defendants/respondents/offenders, including those mandated to programs and those under court orders of protection/restraining orders and other conditions. Include a discussion of linkages to appropriate providers, reporting requirements, designation of a liaison from each program to the domestic violence court, proposed scheduling of court appearances, and a sanctioning plan for defendant/respondent/offender failures to comply.
- ❑ Delineate a physical space plan with particular attention to creating a secure space for domestic violence victims, on-site services, and court personnel.
- ❑ Technological and evaluation plans and needs.

CONCLUSION

Each community faces unique challenges when creating its own specialized domestic violence court. This toolkit was designed to address many of these challenges and to provide a framework for your planning process. The activities within this toolkit encourage community partners to work together to map existing community responses to domestic violence, identify possible gaps in response and practice, determine what is needed to address these gaps, implement the necessary changes in court operation, and design measures for court evaluation. Although these activities culminate in a planning document, it is not our intent that they cease. Ongoing and consistent communication among the planning team, and continued evaluation of court goals and operations, are vital to the court's ability to effectively serve the needs of victims within your community and hold offenders accountable.

III  
APPENDICES

a) Glossary

This glossary of terms provides definitions relevant to the contents of this toolkit and may not include definitions outlined by federal, state, and/or local laws.

- Accountability:** Holding domestic violence offenders responsible for their actions and promoting the message that battering will not be tolerated. This is one of the primary purposes of the domestic violence court. Both courts and stakeholders play significant roles in accomplishing this goal through coordination and information sharing.
- Advisory board:** A panel of executive-level personnel and decision-makers from the community that provide assistance to the planning team from a policy-level perspective. The committee is not typically involved in the “day to day” running of the court.
- Baseline data:** Basic information gathered before a program begins. It is used later to provide a comparison for assessing program impact.
- Compliance calendar:** A consistently held calendar in the domestic violence court which entails bringing defendants back to court to ensure observance of a court-ordered condition, such as an order of protection or attendance at a batterer program, and swift consequences for noncompliance.
- Court stakeholders:** Agencies or organizations with a mission that necessitates frequent interactions with the court system or with individuals involved in the system, such as criminal justice agencies, defense attorneys, victim service agencies and other social service organizations.
- Defendant:** The person charged with an offense in criminal court. Domestic violence courts maintain traditional adversarial roles and require strong defense advocacy.
- Domestic violence:** A pattern of actual or threatened physical, emotional, verbal, and sexual abuse, which includes, but is not limited to, threats, intimidation, isolation, and/or financial control. Domestic violence is an intentional pattern of behavior that is used by one person as a means to harm and take power and control over another person in the context of a dating, family, roommate or caretaker relationship.
- Domestic violence court:** (see Appendix B for a a description of several domestic violence court models)
- Institutional review board (IRB):** A group that has been formally designated to approve, monitor, and review research involving humans with the aim to protect the rights and welfare of the subjects.
- Intimate partner violence:** A pattern of actual or threatened physical, emotional, verbal, and sexual abuse, which includes, but is not limited to, threats, intimidation, isolation, and/or financial control, by a spouse, ex-spouse, boyfriend/ girlfriend, ex-boyfriend/ex-girlfriend, or date.
- Judicial compliance review/monitoring:** Judicial supervision of domestic violence offender compliance with court mandates, including orders of protection and mandated program attendance. Effective monitoring is dependent upon coordination with court stakeholders. The domestic violence court compliance calendar is frequently used as the primary mechanism for judicial monitoring.
- One-family/one-judge multi-jurisdictional domestic violence court:** (see Appendix B for a description of several Domestic Violence Court Models)
- On-going peer to peer consultation:** If appropriate, Center for Court Innovation staff will match your jurisdiction with another to give you both an opportunity to exchange ideas and best practices, discuss common challenges and to learn from one another.
- Petitioner/Plaintiff:** The person or agency filing the petition in civil or family court.
- Person to person support:** Center for Court Innovation staff will provide ongoing assistance and monitoring of your jurisdiction's needs and progress through the implementation stage of your court. You are encouraged to contact the Center with questions, problems or noteworthy achievements.
- Planning document:** A written version of all the policies and procedures you have discussed and developed during the planning process
- Planning materials:** To facilitate the development of domestic violence courts, which can be used by national and international jurisdictions, the Center has developed a wide array of tools for planning teams which have been adapted for use by national and international jurisdictions.
- Planning team:** A group typically comprised of judges, court staff and middle-management court stakeholder representatives, who are responsible for participating in the development of policies and procedures within the court and between court stakeholders.
- Respondent:** The person or agency against whom the petition is filed in civil or family court.
- Site visits:** Your technical assistance team will host structured site visits to existing domestic violence courts. These visits will enable your planning team to observe the courts, meet judges and court planners, and talk to relevant counterparts.
- Underserved Populations:** A group that includes populations underserved because of geographic location, racial and ethnic background, and those with special needs (such as language barriers, disabilities, alienage status, or age).
- Victim advocate (community-based):** An individual who works for an independent victim service agency and provides domestic violence victims with notification of and accompaniment to court hearings, education regarding the court system and domestic violence, assistance with obtaining of protective orders, and, liaison with prosecutors, probation officers, and court personnel as well as safety planning. Most independent victim service agencies have a written confidentiality waiver that must be signed by the victim before the advocate can share information with the court or any other person or organization.
- Victim advocate (institutional):** An individual who typically works for the prosecution or law enforcement agency and who assists victims of domestic violence and promotes trust and communication between the victims and prosecution as the cases proceed through the criminal justice system. These advocates also explain the prosecution's position to the victim and the possible effects and consequences of their actions to increase the victim's understanding of the criminal case and the victim's situation, conduct safety planning, court accompaniment, shelter placement, and advocacy. Because of their affiliation with organizations mandated to investigate and prosecute criminal activity, these advocates may be compelled to give victim information to the prosecutor — even if the victim does not want the information to be shared.



type of court

ONE-FAMILY/ONE-JUDGE MULTI-JURISDICTIONAL DOMESTIC VIOLENCE COURT

jurisdiction

Criminal domestic violence cases, including restraining orders/orders of protections, in which parties are also involved in family law and/or divorce matters, including situations where the overlapping case only includes a civil restraining orders/orders of protection.

Domestic violence courts typically include criminal (ordinance level/misdemeanor and/or felony domestic violence) cases and overlapping family law (civil orders of protection, custody, visitation, etc.) and/or divorce cases.

guiding principles

- Encourage informed judicial decision-making based on comprehensive and current information on all issues involving the family.
- Ensure consistent handling of all matters relating to the same family by a single presiding judge.
- Train single presiding judge on issues of domestic violence.
- Improve victim safety through the elimination of conflicting orders and careful monitoring of offender compliance.
- Increase efficient use of court resources, with reduced numbers of appearances & speedier dispositions through consolidation of operations into one courtroom.
- Ensure linkage to social services and other resources to comprehensively address the needs of family members.
- Improve coordinated response and collaboration among criminal justice, child welfare agencies and community-based groups offering social services and assistance to domestic violence victims and their children.
- Increase confidence in the court system by reducing inefficiency for litigants and duplicative functions for courts.

CRIMINAL DOMESTIC VIOLENCE COURT

jurisdiction

- Ordinance level, misdemeanor and felony criminal cases involving an adult defendant and adult victim involved in an intimate relationship, including:
- Persons legally married to one another;
  - Persons formerly married to one another;
  - Persons who have a child in common, regardless whether such persons have been married or have lived together at any time;
  - Persons currently or formerly involved in a sustained intimate relationship, including same-gender couples.

guiding principles

- Encourage informed judicial decision-making based on comprehensive and current information.
- Ensure a consistent criminal justice system response to domestic violence by having a single presiding judge.
- Improve victim safety by front-loading comprehensive services and increasing communication with other courts.
- Increase offender accountability by ensuring ongoing monitoring of compliance.
- Improve the community's coordinated response to domestic violence by linking the court with criminal justice system stakeholders — such as probation and the district attorney's office, the defense bar, community-based social services and domestic violence advocacy groups.

type of court

CIVIL/FAMILY DOMESTIC VIOLENCE COURT

jurisdiction

- Cases in which a petitioner/plaintiff (victim) has filed a restraining order/order of protection against a respondent to whom she is legally married or formerly married or with whom they have a child in common, or have been involved in an intimate partner dating relationship.
- This type of court may also include related cases involving the petitioner and respondent, such as custody, visitation, and abuse cases.

guiding principles

- Enhance judicial decision-making by increasing the information readily available to judges.
- Ensure a consistent response to domestic violence by assigning a single presiding judge.
- Improve victim safety by front-loading comprehensive services and increasing communication with other courts, including criminal.
- Increase offender accountability by ensuring ongoing monitoring of the respondent's compliance without increasing the burden upon the petitioner.
- Improve the community's coordinated response to domestic violence by linking family court with criminal justice stakeholders, community-based social services and domestic violence advocacy groups.

type of court

JUVENILE DOMESTIC VIOLENCE COURT

jurisdiction

- Case in which a petitioner has filed a restraining order/order of protection against a juvenile with whom they share, or have shared an intimate relationship, or with whom they have a child in common.

guiding principles

- Enhance judicial decision-making by increasing information available to judges.
- Ensure a consistent response to juvenile domestic violence perpetrators by having a single presiding judge.
- Direct juveniles to appropriate interactive programs designed to engage young people while providing information and tools developmentally appropriate and speak to the issues of adolescent boys.
- Concentrate and frontload social services and other resources to address young victims' needs comprehensively.
- Increase offender accountability by ensuring on-going monitoring of compliance.
- Improve community's coordinated response to juvenile domestic violence by linking court with youth-serving community-based social services and domestic violence advocacy groups.

c) Bibliography of Domestic Violence Court Articles & Documents

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d) Training Resources

- Asian & Pacific Islander Institute on Domestic Violence  
Phone: (415) 568-3326  
Fax: (415) 954-9999  
[www.apiahs.org](http://www.apiahs.org)
- Casa de Esperanza  
Phone: (651) 646-5553  
Fax: (651) 646-5464  
[www.casadeesperanza.org](http://www.casadeesperanza.org)
- Center for Court Innovation  
Web-Based DV Training for Judges  
Phone: (212) 373-8085  
[www.dvtraining.org](http://www.dvtraining.org)
- Institute on Domestic Violence in the African American Community  
Phone: (612) 624-9217  
Fax: (612) 624-9201
- Legal Momentum  
National Judicial Education Program  
Phone: (212) 925-6635  
Email: [njep@legalmomentum.org](mailto:njep@legalmomentum.org)
- Mending the Sacred Hoop  
Phone: (218) 722-2781  
Fax: (218) 722-5775  
[www.duluth-model.org](http://www.duluth-model.org)
- National Clearinghouse on Abuse in Later Life  
Phone: (608) 255-0539  
TTY/Fax: (608) 255-3560  
[www.ncall.us](http://www.ncall.us)
- National Judicial Institute on Domestic Violence  
National Council of Juvenile and Family Court Judges,  
Family Violence Department  
Phone: (800) 527-3223 or (800) 52-PEACE  
Fax: (775) 784-6160  
Email: [fvinfo@ncjfcj.org](mailto:fvinfo@ncjfcj.org)
- Vera Institute of Justice  
Accessing Safety Initiative  
Phone: (212) 376-3145  
Fax: (212) 941-9407  
[www.accessingsafety.org](http://www.accessingsafety.org)
- Violence Against Women  
Online Resources  
Training Calendar  
[www.vaw.umn.edu/caldir/](http://www.vaw.umn.edu/caldir/)

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